

IN RE: PETITION FOR SPECIAL HEARING

E/S Marlyn Avenue, 350' N
centerline of Renfrew Street
15th Election District
7th Councilmanic District
(341 S. Marlyn Avenue)

Howard J. Salvo
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-219-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Howard J. Salvo. The special hearing request involves property located at 341 S. Marlyn Avenue, located in the Essex area of Baltimore County. This special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a retail/wholesale flower use with accessory greenhouses and ancillary uses currently existing on the property, as shown on Petitioner's Exhibit No. 1, as a legal nonconforming use.

Appearing at the hearing on behalf of the special hearing request were Howard Salvo, owner of the property, David Meros, the contract purchaser, J. Scott Dallas, the property line surveyor who prepared the site plan of the property and Alfred L. Brennan, Jr., attorney at law, representing the Petitioner. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 1.24 acres, more or less, split-zoned BL and D.R.5.5. The subject property is located on the east side of S. Marlyn Avenue, south of its intersection with Silver Avenue. The subject property is improved with a commercial retail and wholesale flower business known as "The Essex Florist". The remainder of the property is improved with existing

ORDER RECEIVED FOR FILING

Date 1/29/02

By H. J. Salvo

greenhouses and other areas that are used to cultivate and grow flowers and plants. The front portion of the property is zoned BL and contains the majority of the commercial use. However, the back half of the property is zoned D.R.5.5. The special hearing request is to approve as a nonconforming use the retail/wholesale flower business that has existed on this property, both on the BL portion, as well as the D.R.5.5. Some of the structures that have existed on this property do not meet current setback requirements and, therefore, the nonconforming use is applicable in the BL zone, as well as the D.R.5.5. zone.

The testimony and evidence offered at the hearing clearly demonstrated that the entire property, which is the subject of this special hearing request, has been utilized since the late 1930's as a retail and wholesale flower business. The front portion of the property along S. Marlyn Avenue has traditionally been the area where sales and customer service take place. The remainder of the property, much of which is improved with existing greenhouses, has been utilized by this property owner since the 1930's for the purpose of cultivating and growing flowers and plants. Some of the cultivation of plants occurs inside the existing greenhouse and some occurs outside in the open air. In any event, the uncontradicted testimony demonstrated that the entire property has always been used for this purpose and that the use has been open, continuous and uninterrupted up until the present date.

Mr. Meros, who is preparing to purchase the property, testified regarding his intention to place additional greenhouses on the rear of the property. That area has traditionally been used to grow plants and flowers outside. He wishes to grow those plants indoors, in the future. The area where the greenhouse shall be built in the future is more particularly shown on Petitioner's Exhibit No. 3, the modified site plan submitted into evidence. The use of the rear area of the

property is consistent with the granting of the nonconforming use herein, in that that area of the property has always been used in that fashion.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Deputy Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Deputy Zoning Commissioner should consider the following factors:

- (a) "To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

03/20/02
1/20/02
R. R. G. [Signature]


McKemy v. Baltimore County, Md., supra.

Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of January, 2002, that the Petitioner's request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations, to approve a retail/wholesale flower use with accessory greenhouses and ancillary uses currently existing on the property, as shown on Petitioner's Exhibit No. 1, as a legal nonconforming use, be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the Petitioner shall be permitted to construct additional greenhouses to the rear of the property, consistent with the Modified Site Plan submitted into evidence as Petitioner's Exhibit No. 3.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED
JAN 31 10 29 AM '02
J. J. G. [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 29, 2002

Alfred L. Brennan, Jr., Esquire
Brennan & Brennan
825 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Hearing
Case No. 02-219-SPH
Property: 341 S. Marlyn Avenue

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Howard J. Salvo
407 S. Marlyn Avenue
Essex, MD 21221

Mr. David Meros
341 S. Marlyn Avenue
Essex, MD 21221

J. Scott Dallas
13523 Long Green Pike
Baldwin, MD 21013



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 341 S. Marlyn Avenue

which is presently zoned BL + DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

*retail/wholesale flower use with accessory green houses
and ancillary uses currently existing on the property
and as shown on Petitioner's Exhibit 1 as a legal
non conforming use.*

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No

City

State

Zip Code

Legal Owner(s):

Howard J. Salvo, Trustee

Name - Type or Print

Signature

Name - Type or Print

Signature

341 S. Marlyn Avenue. (410) 686-5417

Address

Telephone No

Baltimore, Maryland 21221

City

State

Zip Code

Representative to be Contacted:

Alfred L. Brennan, Jr.

Name

825 Eastern Boulevard

(410) 687-3434

Address

Telephone No

Baltimore, Maryland 21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 02-219 SPH

28/09/15/98

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE
P.O. BOX 26
BALDWIN, MD 21013
(410) 817-4600
FAX (410) 817-4602

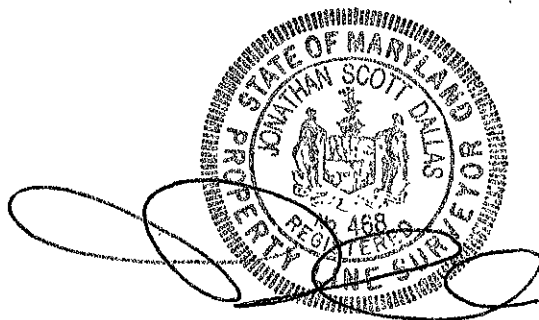
ZONING DESCRIPTION OF #341 SOUTH MARLYN AVENUE

BEGINNING at a point in the center of Marlyn Avenue, proposed 60 feet wide, at the distance of 350 feet, more or less north from the centerline of Renfrew Street which is 50 feet wide thence running with and binding on said Marlyn Avenue **(1) Northerly 61 feet** thence leaving said Marlyn Avenue and running the nine following courses and distances: **(2) Easterly 103 feet (3) Northerly 36 feet (4) Easterly 61 feet (5) Northerly 44 feet (6) Easterly 118 feet (7) Southerly 21 feet (8) Easterly 201 feet (9) Southerly 124 feet and (10) Westerly 485 feet** to the place of beginning.

CONTAINING 53,945 square feet (or 1.24 acres) of land, more or less.

ALSO known as **# 341 South Marlyn Avenue** and located in the 15th Election District , 7th Councilmanic District.

Note: above description is based on existing deed and construction and is for zoning purposes only.



219

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

219

No. 05

DATE 11/26/01 ACCOUNT 001-006-6150

AMOUNT \$ 250.00

RECEIVED FROM: H. SALVO 3415. MARLYN AVE.

FOR: SPH 250.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PAYMENT	ACTUAL	TIME
01/26/2001	11/26/2001	09:25:56
RE: WOOD	CASHIER ROOM LRD	ORANGE
RECEIPT #	26697	OFLN
DEPT	5	528 ZONING VERIFICATION
PROD.	00015	

Receipt Tot. 250.00
250.00 OK 2001 GA
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-219-SPH
341 S. Marilyn Avenue
E/S Marilyn Avenue, 350' N
centerline Rentfrew Street
15th Election District
7th Councilmanic District
Legal Owner(s): Howard J.
Salvo

Special Hearing: to approve retail/wholesale flower use with accessory greenhouses and ancillary uses currently existing on the property as a non-conforming use.

Hearing: Friday, January 25, 2002 at 11:00 a.m. in Room 407, County Courts Building, 491 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/129 Jan. 10 C513990

CERTIFICATE OF PUBLICATION

1/11, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/10, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Jm

RE: Case No 02-219-SPHPetitioner/Developer SALVO, ETAL
% BRENNAN - F. 341-496Date of Hearing/Closing 1/25/02Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204Attention: Ms. Gwendolyn Stephens GEORGE ZAHNER

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #341-SOUTHMARLYN AVE.The sign(s) were posted on 1/7/02

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/14/02

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

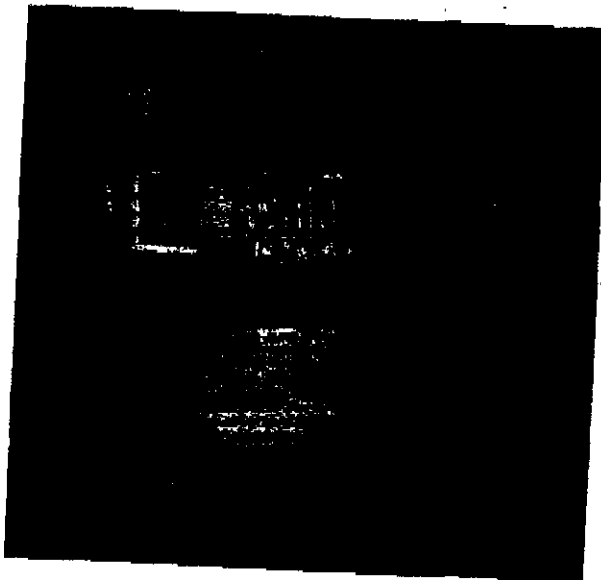
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephonic Number)

Post-it [®] Fax Note	7671	Date	# of pages
To	BETTY	From	O.K.
Co./Dept.	20N.G. COMM.	Co.	
Phone #		Phone #	512-4621
Fax #	887-3468	Fax #	666 0929



#341-S. 02-219 SPH
MARLYN AVE
BRENNAN SALVO 1/25/02 @ 11

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 10, 2002 Issue – Jeffersonian

Please forward billing to:
Alfred L Brennan Jr
Brennan & Brennan
825 Eastern Blvd
Baltimore 21221

410 687-3434

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-219-SPH
341 S Marlyn Avenue
E/S Marlyn Avenue, 350' N centerline Renfrew Street
15th Election District – 7th Councilmanic District
Legal Owner Howard J Salvo

Special Hearing to approve retail/wholesale flower use with accessory greenhouses and ancillary uses currently existing on the property as a non-conforming use.

HEARING: Friday, January 25, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 24, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-219-SPH
341 S Marlyn Avenue
E/S Marlyn Avenue, 350' N centerline Renfrew Street
15th Election District – 7th Councilmanic District
Legal Owner Howard J Salvo

Special Hearing to approve retail/wholesale flower use with accessory greenhouses and ancillary uses currently existing on the property as a non-conforming use.

HEARING: Friday, January 25, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GJZ
Director

C: Alfred L Brennan Jr, Brennan & Brennan, 825 Eastern Blvd, Baltimore 21221
Howard J Salvo, 341 S Marlyn Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 10, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 23, 2002

Alfred L Brennan Jr
Brennan & Brennan
825 Eastern Boulevard
Baltimore MD 21221

Dear Mr. Brennan:

RE: Case Number: 02-219-SPH, 341 S Marlyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 26, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDT
Supervisor, Zoning Review

WCR: gdz

C: Howard J Salvo, 341 S Marlyn Avenue, Baltimore 21221
People's Counsel


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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** January 11, 2002
Department of Permits & Development Mgmt.

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item Nos. 200, 201, 202, 204, 205, 206,
208, 209, 210, 211, 212, 213, 215, 216,
217, 218, 219, and 220

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.


RWB:HJO:jrb

cc: File

Jeni
1/25

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item Nos. 200, 201, 202, 204, 205, 208,
209, 210, 211, 212, 213, 215, 216, 217,
218, 219 and 220
REVISED January 23, 2002
*(Item No. 206 has been removed from
the above items and has been updated.)*

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 3, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 17, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

Drawings were not delivered to this office.

205, 213, ~~219~~²²⁰, and 220

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item No. 207

The Bureau of Development Plans Review has reviewed the subject zoning item.

The elevation protection for this site is 11.2 feet.

The rear of buildings may not be constructed within 20 feet of the flood plain as established for a 100-year flood level with a 1-foot freeboard. *See Plate D19 in the Baltimore County Design Manual.*

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must at 1 foot above the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

The developer is responsible for the cost of temporary structures and measures required in the event of sectional development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 11, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2001
Item No. 214

The Bureau of Development Plans Review has reviewed the subject zoning item.

The eight parking spaces along the access to the site shall be eliminated.

These type of uses tend to generate a need for a high number of parking spaces; granting the variance will impact the adjacent streets.

The improvements shown along Hammonds Ferry Road are not correct. The road shall be improved along the entire frontage.

RWB:HJO:jrb

cc: File

Jim
1/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 4, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN - 4

SUBJECT: Zoning Advisory Petition(s): **Case(s) 02-200, 02 212 & 02-219**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey M. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.31.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2112 JCM

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

✓ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
341 S. Marlyn Avenue, E/S Marlyn Ave,
350' N of c/l Renfrew St
15th Election District, 7th Councilmanic

Legal Owner: Howard J. Salvo, Trustee
Petitioner(s)

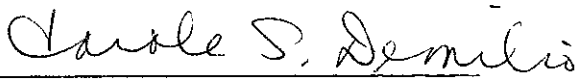
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-219-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Alfred L. Brennan, Jr., Esq., Brennan and Brennan, 825 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

BRENNAN AND BRENNAN
ATTORNEYS AT LAW, P.A.
825 EASTERN BOULEVARD
ESSEX, BALTIMORE, MD. 21221

JAMES C. BRENNAN
ALFRED L. BRENNAN, JR.

DEBORAH M. ENGRAM

TELEPHONE
(410) 687-3434
TELEFAX
(410) 391-4963

February 7, 2002

Mr. Timothy M. Kotroco
Baltimore County Zoning Commissioner
County Courts Building
Suite 405
410 Bosley Avenue
Towson, Maryland 21204

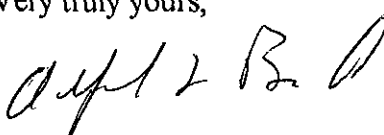
Re: Petition for Special Hearing
Case No. 02-219-SPH
Property: 341 S. Marlyn Avenue

Dear Mr. Kotroco:

The hearing on the above captioned Petition was held on Friday, January 25, 2002. At the hearing J. Scott Dallas, Engineer made changes to the Plat. Enclosed please find two (2) original revised Plats for your files.

Thank you for your cooperation and assistance with regard to this matter.

Very truly yours,



ALFRED L. BRENNAN, JR.

ALB,JR/dv
Enclosures

01-1601

PETITIONER(S) SIGN-IN SHEET

ADDRESS

407 South Mainly n Ave

Essex Md. 21221

- Same -

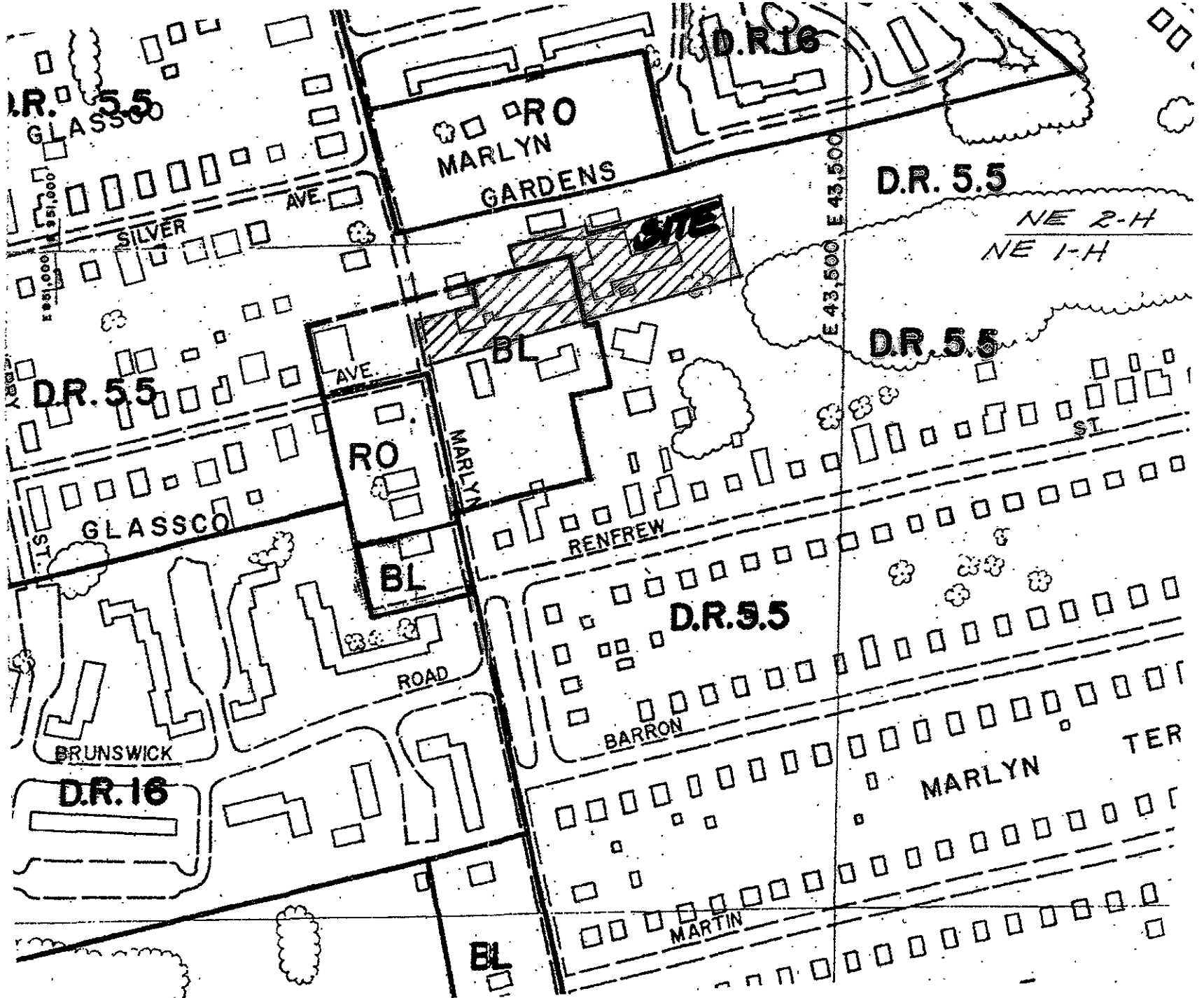
- Same -

341 S. Marlyn Ave.

825 Eastern Blvd 21221

13523 Long Green Pike Baldwin
2/1/13





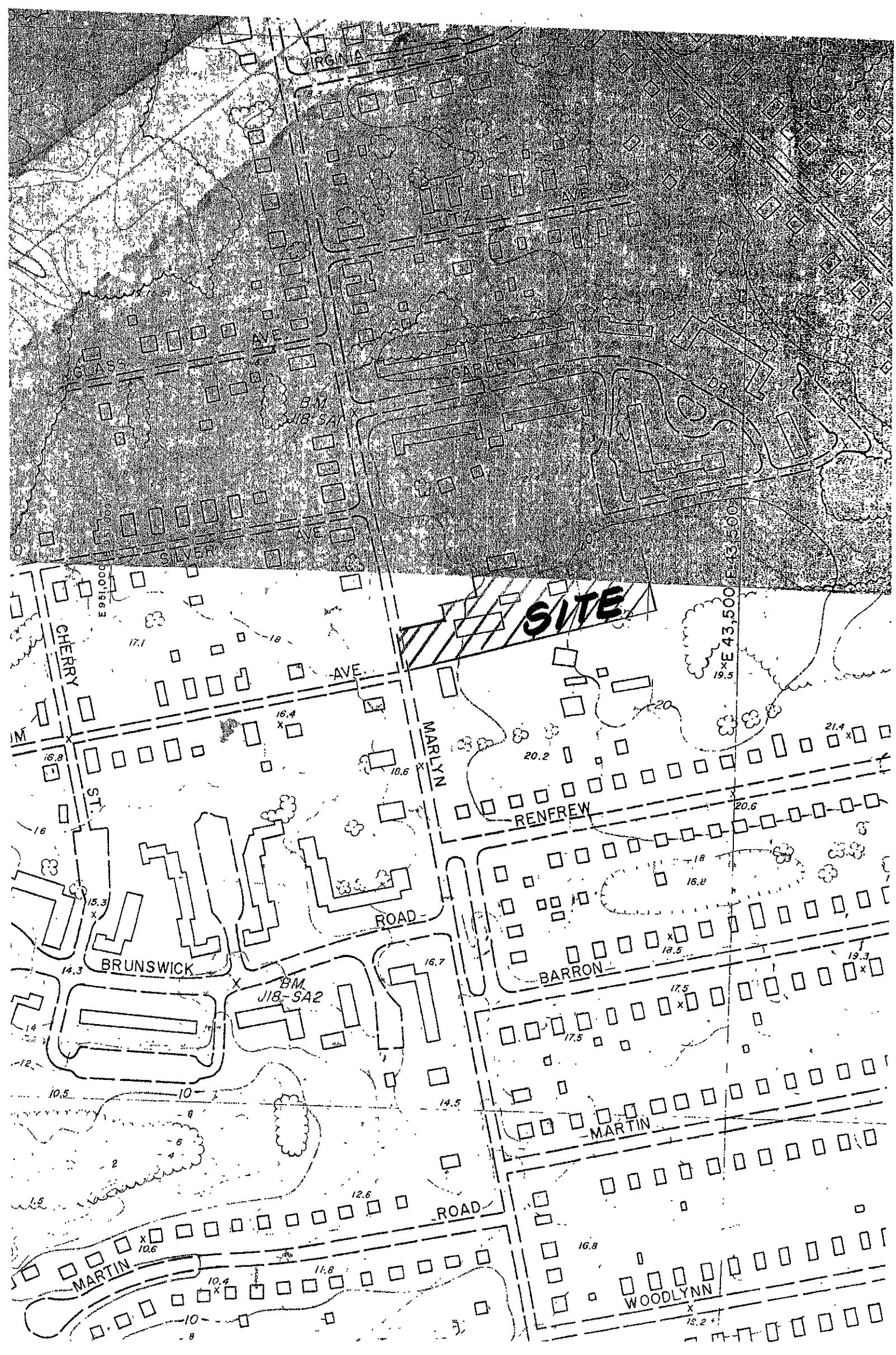
**#341 S. MARLYN
AVE.**

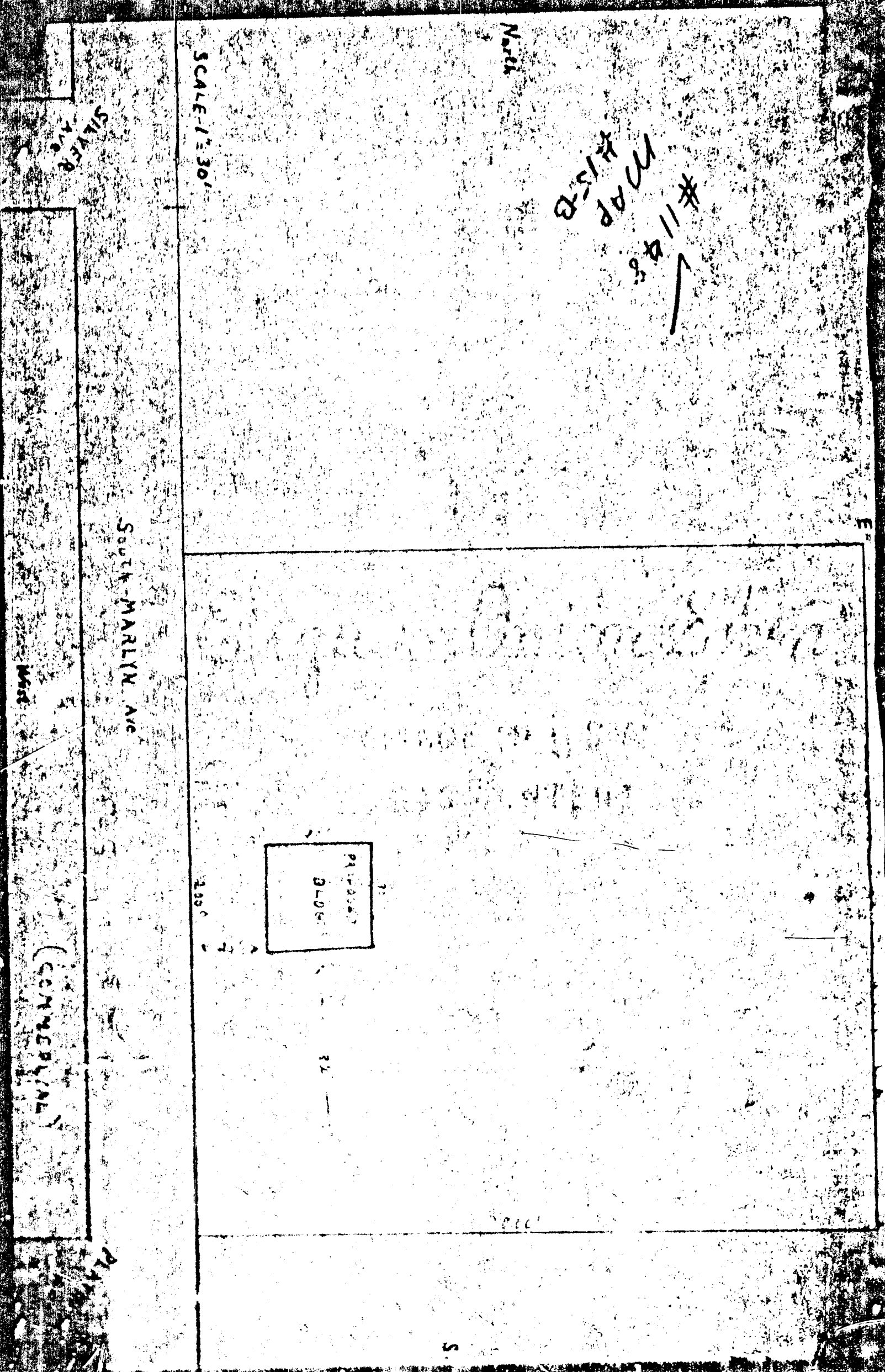
P/O O.P.Z. NE 1-H, NE 2-H
1" = 200' ±

219

#341 S. MARLYN AVE.
BOBE NE 2-H, NE 1-H TOPO
1"=200'

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111-5-B
#15-B
The Department of Building and Planning
has been advised of the property status
of the property.

side of Kariya Ave., at base, in the 13th District of Balto. Co., running 100' south from Allen Ave., it extended easterly, fronting southerly on Kariya Ave. at an average parallel depth of 300'. Property of Valter Salvo, Axel Salvo and Victor Salvo, as shown or filled with the zoning Dept.

parting that the entire value of the above described property be retained, inasmuch as the
 Law of Religious Exemption, from all taxes, now in effect, is unconstitutional, and
 subject to the Constitution, and a benefit should be provided for the same.

[illegible][illegible][illegible]

Library of Congress
Photocopy

Young Undergraduate of Baltimore County

[illegible]

Library of Congress
Zoning Ordinances of Washington, D.C.

Approved _____

 County Commissioners of Baltimore County
 By _____

 President

Upon hearing an appeal on April 9, 1966 from the zoning Commissioner of Baltimore County, Maryland, the Board of Commissioners of the County of Prince George's, Virginia, on March 19, 1968 denying the petition for reconsideration of a rezoning application from the applicant's residence zone to an "A-1" residential zone.

It is this day of May, 1968, by the Board of Zoning Appeals of Baltimore.

the order of the zoning commission in applying this matter should be reversed and it is requested that the zoning commission be authorized to amend the same is hereby reaffirmed, if the date of this order, from an "as existing" to the date of this order, subject to the setback of the front of the building, from the front boundary of that off-street parking for motor vehicles will be at least ten feet and that a new lot to be created out of land now owned by the applicant and subject to other requirements may be preserved as may be preserved.

William A. Gay
Secy. to Com.

By Charles H. Hays
President

—

THIS IS TO CERTIFY, That the annexed advertisement
published in THE UNION NEWS, a weekly newspaper pri
nted and published in Towson, Baltimore County, Md., once in
the past _____ successive weeks before the _____ day of _____
_____ 19____, the first publication
_____ day of _____ 19____
_____ day of _____ 19____

[illegible]

FROM ALVERA, N.Y., JOHN DICK, 1

OF BALTIMORE

.....

NOTE: 4 OF APR 1946

Please enter no appeal to the Board of Zoning Appeals of Phillips County for the petition in the above entitled matter.

100

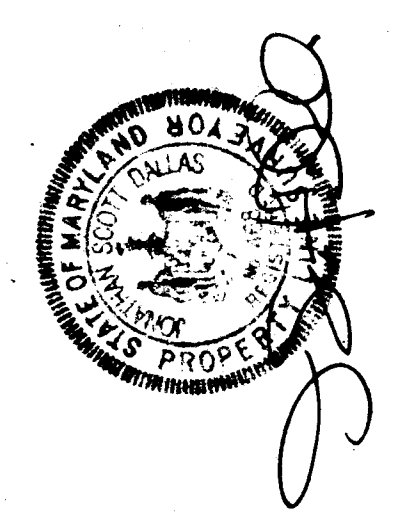
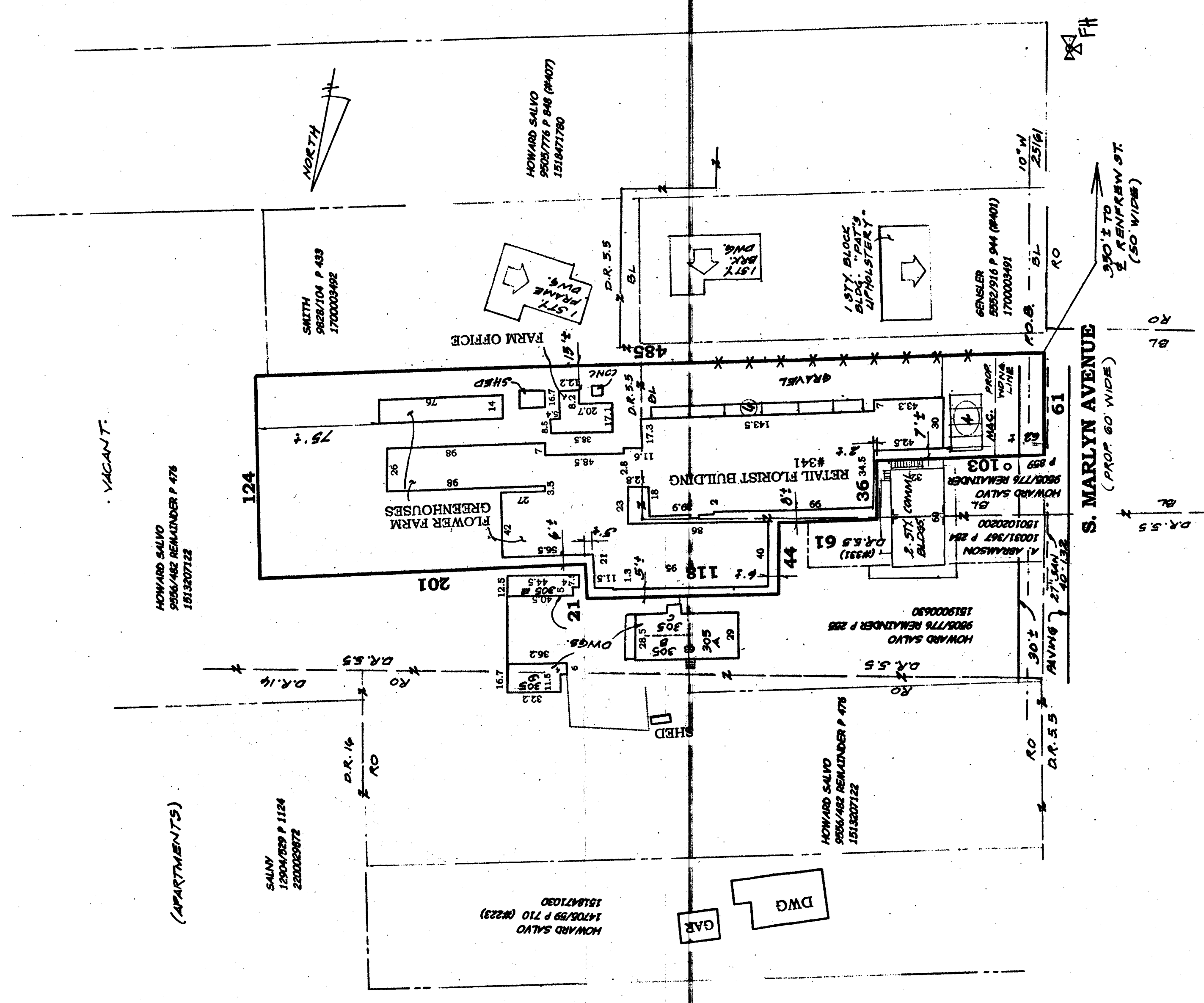
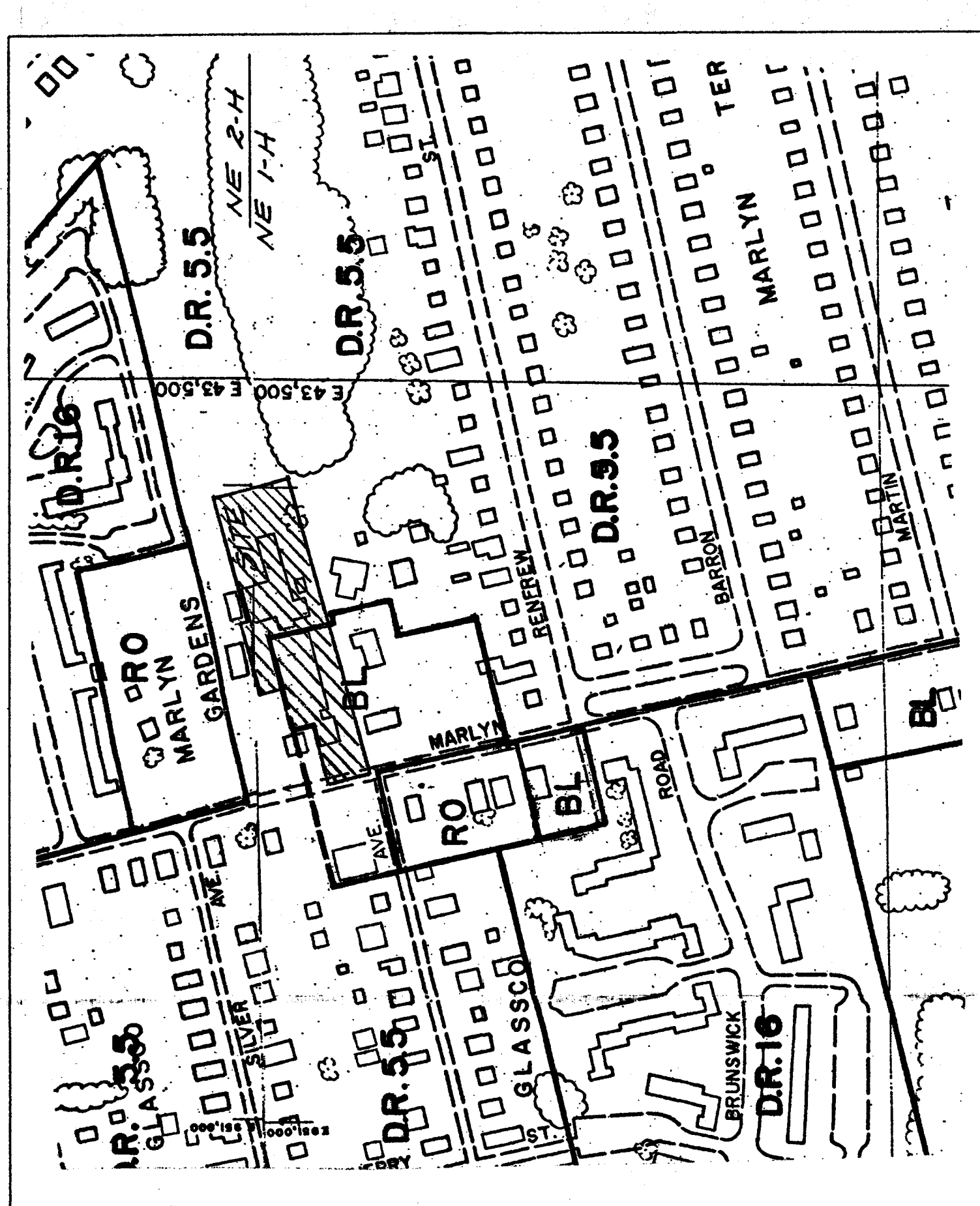
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CERTIFICATE OF POSSESSION
 DEPARTMENT OF BALTIMORE COUNTY
 Taxpayers: Maryland
 11/14/8
 Held by: Maryland
 24 10/10/8

[illegible]

NOTES
 1. 1148 (RECLASS TO E COMMERCIAL ZONE FOR FLORIST STORE IN 1940). GRANTED ON APPEAL.
 2. OWNERSHIP & PROPERTY INFORMATION: TAX MAP 97 GRID 3 HOWARD J. SALVO
 P 889 DEED REFERENCE 9803/776 1519001360
 P 289 DEED REFERENCE 9803/776 1519000630
 P 476 DEED REFERENCE 9856/482 1513207122
 341 S. MARLYN AVENUE
 BALTIMORE, MD. 21221
 PHONE: 410-684-8842
 3. AREA OF SUBJECT LOT: 53,943 SF. OR 1.24 AC. ±
 4. PUBLIC WATER AND SEWER AS REFERENCED HEREON.
 5. ZONING OF SITE AND SURROUNDING PROPERTIES BL & D.R. 5.5.
 6. SITE LIES OUTSIDE CMA PER LAND USE MAP NO. 97.
 7. SITE LIES WITHIN FLOOD ZONE C PER F.I.R.M. NO. 240010 0440 C

J.S. DALLAS, INC.
 Surveying & Engineering
 13523 Long Green Pike
 Baldwin, MD. 21013
 (410) 817-4600

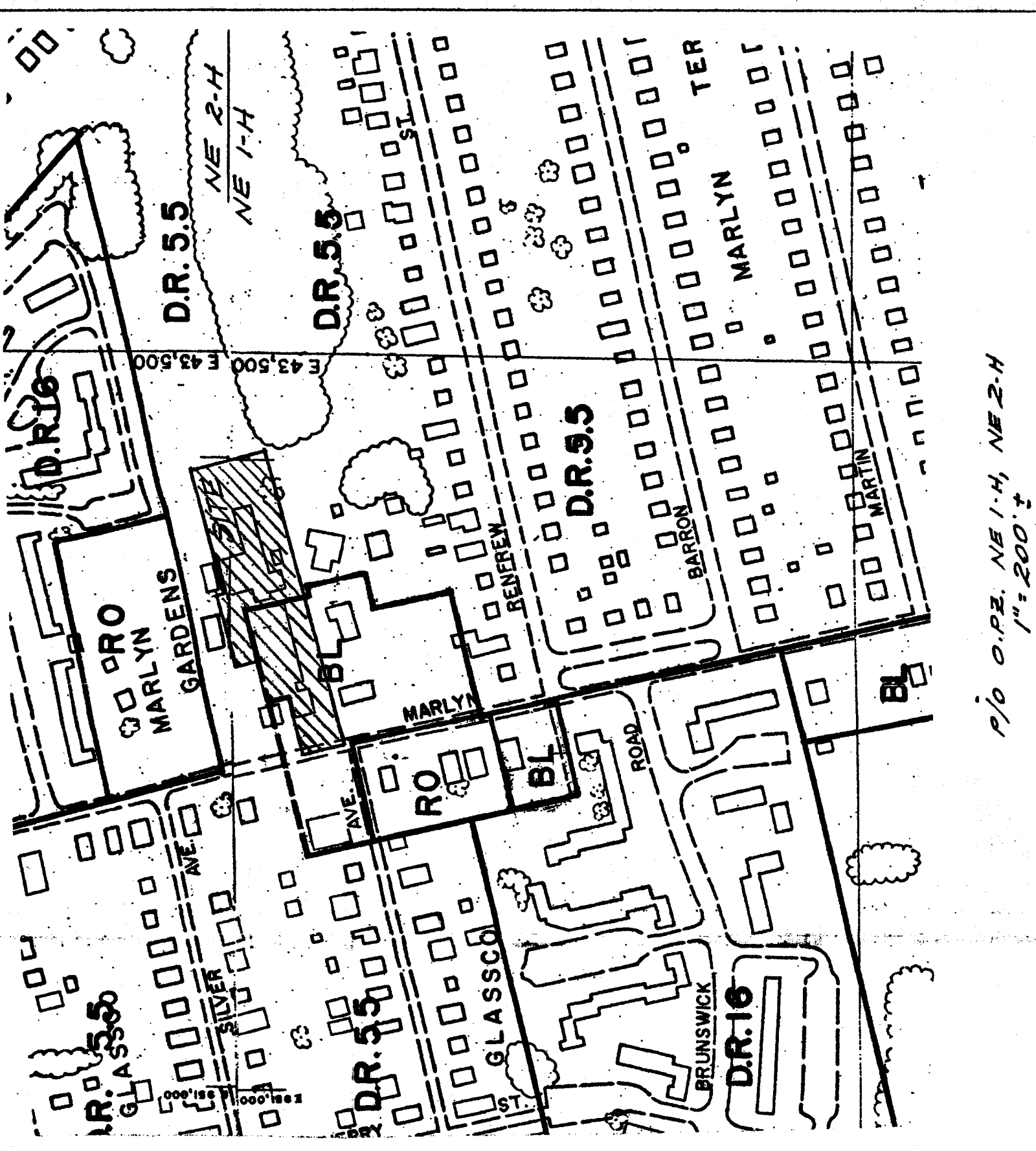
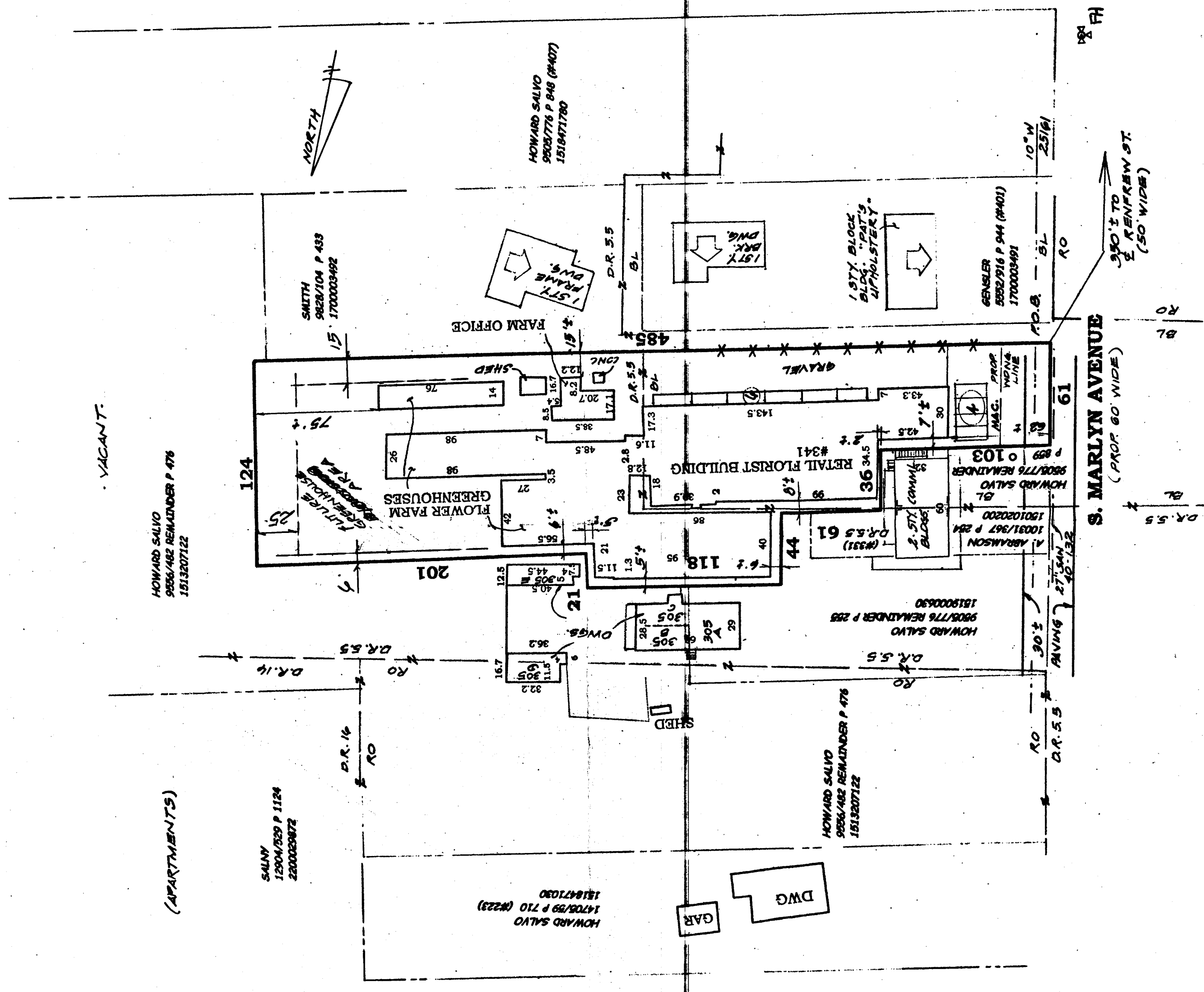


SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL
 HEARING FOR NON-CONFORMING USE
#341 S. MARLYN AVENUE
 19TH ELEC. DIST. 7TH CONC. DIST. BALTIMORE COUNTY, MD.
 NOVEMBER 13, 2001
 SCALE: 1"=50'

Sheet #1

NOTES
1. KNOWN PRIOR ZONING HEARING:
1148 (RECLASS TO E COMMERCIAL ZONE FOR FLORIST STONE IN
1948)- GRANTED ON APPEAL
2. OWNERSHIP & PROPERTY INFORMATION: TAX MAP 97 GRID 3
HOWARD J. SALVO
P 899 DEED REFERENCE 9808/776 1519001360
P 288 DEED REFERENCE 9808/776 1519000630
P 476 DEED REFERENCE 9808/482 1513207122
341 S. MARLYN AVENUE
BALTIMORE, MD. 21221
PHONE: 410-686-8942
3. AREA OF SUBJECT LOT: 59.45 SF. OR 1.24 AC.+-
4. PUBLIC WATER AND SEWER AS REFERENCED HEREON.
5. ZONING OF SITE AND SURROUNDING PROPERTIES BL 4 D.R. 5.5.
6. SITE LIES OUTSIDE CBCA PER LAND USE MAP NO. 97.
7. SITE LIES WITHIN FLOOD ZONE C PER F.I.R.M. NO. 240010 0440 C

J.S. DALLAS, INC.
Surveying & Engineering
13523 Long Green Pike
Baltimore, MD. 21013
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SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL
HEARING FOR NON-CONFORMING USE
#341 S. MARLYN AVENUE
19TH ELEC. DIST. 7TH CONC. DIST. BALTIMORE COUNTY, MD.
SCALE: 1"=50'
NOVEMBER 13, 2001

Ref #3